

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To: WRAY & ASSOCIATES Level 4 The Quadrant 1 William Street PERTH WA 6000
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) - 1 MAR 2005

Applicant's or agent's file reference 114124:PMC

FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/AU2005/000094	International filing date (day/month/year) 27 January 2005	Priority date (day/month/year) 30 January 2004
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International Patent Classification (IPC) or both national classification and IPC I. Cl. ⁷ B60V 1/08, B64C 39/12
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Applicant ELLNOR, Piet

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929

Authorized Officer COLIN FITZGIBBON Telephone No. (02) 6283 2226

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2005/000094

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2005/000094

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 6 to 26, 28 to 32	YES
	Claims 1 to 5, 27	NO
Inventive step (IS)	Claims 6 to 24; 26, 28 to 32	YES
	Claims 1 to 5, 25, 27	NO
Industrial applicability (IA)	Claims 1 to 32	YES
	Claims	NO

2 Citations and explanations:

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 RU 2224671 C1 (Takhn SDP Stock Co)

D2 US 2003/0173455 A1 (Herpay)

Novelty (N) Claims 1 to 5, 27

Claim 1

The invention defined in Claim 1 is not considered to be novel in light of D1. The abstract of the citation discloses a wing-in-ground-effect craft characterised by canard configuration, having a canard forewing (2) and a main wing (3) as defined.

Claims 2 to 5

The ratios of canard forewing surface area to main wing surface area as defined in Claims 2 to 5, are explicitly disclosed in the range 0.2 to 1.0 defined in D1, hence these claims are not novel.

Claim 27

D1 discloses the wing-in-ground-effect craft having a single vertical stabiliser (4) located at the rear, as defined in Claim 27.

Inventive Step (IS) Claims 1 to 5, 25, 27

Claims 1 to 5

As above

Claim 25

Although no individual citation discloses the invention as defined in Claim 25, the combination of D1 and D2, such a combination being obvious to the person skilled in the art, does. D1 is directed to a wing-in-ground-effect craft characterised by canard configuration, having a canard forewing (2) and a main wing (3), while D2 is directed to an amphibious wing-in-ground-effect craft having a planing hull. The combination of these two citations therefore results in the invention defined in Claim 25, which does not involve an inventive step.

Claim 27

As above